

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

FORTA CORPORATION,	)	
	)	
Plaintiff,	)	Civil Action No. 08-1390
	)	
v.	)	
	)	
UNITED STATES GYPSUM CO. and USG	)	
STRUCTURAL TECHNOLOGIES, LLC,	)	
	)	
Defendants.	)	

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff and Defendants, by their counsel, stipulate to the dismissal of this case with prejudice. Each party to bear its own costs and attorney fees.

**ORDER OF COURT**

AND NOW, this \_\_\_ day of \_\_\_\_\_, 2009, IT IS SO ORDERED.

BY THE COURT:

\_\_\_\_\_  
United States Magistrate Judge

/s/ Wendy West Feinstein

Timothy P. Ryan (Pa. I.D. No. 42154)  
Wendy West Feinstein (Pa. I.D. No. 86698)  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
U.S. Steel Tower, 44<sup>th</sup> Floor  
600 Grant Street  
Pittsburgh, PA 15219  
(412) 566-6000 (telephone)  
(412) 566-6099 (facsimile)  
tryan@eckertseamans.com  
wfeinstein@eckertseamans.com

*Attorneys for Plaintiff*

Dated: May 15, 2009

/s/ Stephen J. Del Sole

Stephen J. Del Sole (Pa. I.D. No. 73460)  
DEL SOLE CAVANAUGH STROYD LLC  
200 First Avenue, Suite 300  
Pittsburgh, PA 15222  
(412) 261-2393 (telephone)  
(412) 261-2110 (facsimile)  
sdelsole@delsolecavanaugh.com

*Attorney for Defendants*

Dated: May 15, 2009